

### DETAILED ACTION

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brad Misley on November 18, 2009.

The application has been amended as follows:

Claim 23, subparagraph c: "pyrolysis" is replaced with --pyrolysis--.

Claim 28: "aluminum" is replaced with --aluminium--.

Claim 29: "aluminum" is replaced with --aluminium--.

Claim 31: "aluminum" is replaced with --aluminium--.

Claim 33: "fluoroorganoaluminum" is replaced with --fluoroorganoaluminium--.

Claim 36: "comprising aluminum" is replaced with --comprising aluminium--.

Claim 31: "said aluminum" is replaced with --said aluminium--.

Claim 40: "operating" is replaced with --alkylating--.

Claim 40: "triethylaluminum" is replaced with --triethylaluminium--.

Claim 40: "triisobutylaluminum" is replaced with --triisobutylaluminium--.

Claim 41, subparagraph b: "solution to" is replaced with --solution of--.

Claim 42, last subparagraph: "concomitantly from" is replaced with --concomitantly with--.

Claim 42, last subparagraph: "separately with" is replaced with --separately from--.

***Allowable Subject Matter***

Claims 23-42 are allowed.

The following is an examiner's statement of reasons for allowance: Best (US Patent No. 5,607,019) and Saudemont et al. (US Patent No. 6,239,059) are considered the closest prior art.

Best teaches a catalyst support for polymerization of olefins comprising porous silica functionalized by contact with diethyl aluminum fluoride. However, Best does not teach the heating steps for pyrolysis or oxidation of these functionalized silica particles.

Saudemont teaches a metallocene catalyst support for the polymerization of olefins functionalized with fluorinated aluminum produced by pyrolyzing and oxidizing. However, Saudemont teaches against the use of a fluorinated functionalizing agent, stating, "The direct use of aluminium and/or magnesium fluorides presents difficulties which are barely surmountable in terms of forming a support having suitable particle-size and porosity properties" (col. 2, lines 20-23).

The references are therefore not combinable, and one of ordinary skill in the art at the time of the invention would have had no motivation to apply the pyrolysis and oxidation steps to the method of Best, or to attempt to functionalize the supports of Saudemont with fluorinated functionalizing agents.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES CORNO whose telephone number is (571)270-5829. The examiner can normally be reached on Monday-Thursday 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melvin Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES CORNO/  
Examiner, Art Unit 1793

November 20, 2009

/Melvin Curtis Mayes/  
Supervisory Patent Examiner, Art Unit 1793